

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	
)	
RAYVEAST HAWKINS-ROSS)	
)	No. 17-32161
)	Chapter 13 (Joliet)
Debtors)	Honorable Pamela S. Hollis
)	Hearing Date: 10/12/18, 10:45 a.m.

NOTICE OF MOTION

To: See attached Service List.

YOU ARE HEREBY NOTIFIED that on October 12, 2018, at 10:45 a.m. or as soon thereafter as counsel may be heard, I shall appear before The Honorable Judge Pamela S. Hollis on the 2nd Floor of the Joliet City Hall, 150 West Jefferson Street, Joliet, Illinois, and then and there present for hearing the attached MOTION FOR RELIEF FROM STAY at which time and place you may appear as you see fit to do.



Benjamin J. Rooney

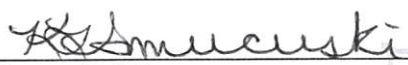
PROOF OF SERVICE

The undersigned attorney certifies that he served a true and correct copy of the foregoing electronically to all parties eligible and by depositing same in the U.S. Mail, Wheaton, Illinois addressed to the parties appearing above on the 28th day of September 2018, with proper postage prepaid.



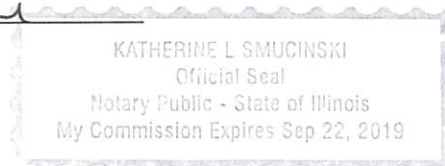
Benjamin J. Rooney

SUBSCRIBED and SWORN to before me
This 28th day of September, 2018.



Notary Public

#6308111
Benjamin J. Rooney
KEAY & COSTELLO, P.C.
128 South County Farm Road
Wheaton, Illinois 60187
(630) 690-6446



SERVICE LIST

Rayveast Hawkins-Ross
247 Clubhouse Street
Bolingbrook, Illinois 60490

Dwayne Ross
247 Clubhouse Street
Bolingbrook, Illinois 60490

David M. Siegel
David M. Siegel & Associates
790 Chaddick Drive
Wheeling, Illinois 60090
(By electronic notice through ECF)

Glenn B. Stearns
801 Warrenville Road, Suite 650
Lisle, Illinois 60532
(By electronic notice through ECF)

Patrick S. Layng
Office of the U.S. Trustee, Region 11
219 South Dearborn St., Room 873
Chicago, Illinois 60604
(By electronic notice through ECF)

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**MOTION FOR RELIEF FROM STAY PURSUANT TO SECTION 362 OF THE
BANKRUPTCY CODE**

NOW COMES a certain creditor, AUGUSTA VILLAGE HOMEOWNERS' ASSOCIATION, by and through its attorneys, KEAY & COSTELLO, P.C., and in support of its Motion for Relief from Stay, states as follows:

1. That the creditor is AUGUSTA VILLAGE HOMEOWNERS' ASSOCIATION (hereinafter referred to as AUGUSTA VILLAGE), an Illinois not-for-profit corporation and homeowners association.

2. That the Debtor, RAYVEAST HAWKINS-ROSS (hereinafter referred to as "Debtor") is the owner of residential real estate that is part of AUGUSTA VILLAGE. Specifically, Debtor is the owner of the property located at 247 Clubhouse Street, Bolingbrook, Will County, Illinois.

3. That pursuant to AUGUSTA VILLAGE's governing documents, which have been recorded with the Recorder of Deeds of Will County, Illinois, a lien attaches to the property of the Debtor to secure unpaid assessments and other obligations arising out of ownership of a unit under the jurisdiction of AUGUSTA VILLAGE.

4. That as owner of a property at AUGUSTA VILLAGE, the Debtor is obligated to pay assessments and other obligations arising out of ownership of their unit to AUGUSTA VILLAGE.

5. That since the filing of Debtor's Chapter 13 petition on October 27, 2017 ("Petition Date"), the Debtor has failed to remain current on her post-petition obligation to pay assessments to AUGUSTA VILLAGE.

6. Accordingly, since the Petition Date and through the filing of this Motion, Debtor has failed to pay the amount of \$405.00 in post-petition assessments and other obligations arising out of ownership of their unit to AUGUSTA VILLAGE. Additionally, AUGUSTA VILLAGE has incurred \$600.00 in attorney's fees and \$181.00 in court costs as a result of Debtor's failure to remain current on their post-petition obligation to the Association. Collection of said attorney's fees and court costs is authorized by the Association's Declaration.

7. Therefore, the total amount due through the filing of this Motion for post-petition assessments and other obligations arising out of ownership of their unit, as well as attorney's fees, and court costs is \$1,186.00.

8. That pursuant to Section 362 of the Bankruptcy Code, AUGUSTA VILLAGE moves this court for entry of an order modifying the automatic stay arising as a result of Debtor's Chapter 13 filing.

9. That AUGUSTA VILLAGE is entitled to relief from the automatic stay so it may initiate collection proceedings against the Debtor for the assessments and other charges that became due and owing after Debtor's Chapter 13 filing.

10. That AUGUSTA VILLAGE is entitled to relief from the automatic stay for the following reasons:

- a. Debtor has made material defaults under the terms of the Declaration;
- b. There is currently a continuing increase in the total indebtedness chargeable against the real estate for payment of assessments and other charges due under the

Declaration which result in AUGUSTA VILLAGE being deprived of adequate protection of its interest in the real estate; and

- c. The subject real estate is not necessary for a successful reorganization of the Debtor.

11. That AUGUSTA VILLAGE requests waiver of the 14-day stay provision of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, the Creditor, herein, AUGUSTA VILLAGE, prays this court enter an order modifying the stay permitting AUGUSTA VILLAGE, to initiate collection proceedings of all post-petition association assessments due from the Debtor, RAYVEAST HAWKINS-ROSS, as a result of the ownership of the premises described herein, and for any such other and further relief as this court deems just and equitable within the premises.

AUGUSTA VILLAGE HOMEOWNERS'
ASSOCIATION

By: 

One of its attorneys

ARDC: 6308111
Benjamin J. Rooney
KEAY & COSTELLO, P.C.
128 South County Farm Road
Wheaton, Illinois 60187
(630) 690-6446